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# EXTRA.

## IS DA GAMA A PRISONER?

The Navy Department Believed to Know of Firing on Benham.

(By Associated Press)

WASHINGTON, Jan. 30.—There is believed to be information in the Navy Department this morning that Admiral Benham's fleet has been fired on in Rio Harbor by the insurgents.

Secretary Herbert was the first Cabinet officer at the White House, this being Cabinet day. The Associated Press despatch from Rio, telling how Admiral Benham had used his fleet to protect American merchantmen from Da Gama's fire, was read with interest at the Navy Department. It was despatched to the White House and sent in to Secretary Herbert in the Cabinet room.

The information in it was apparently not new to the Department, but the details of the press despatch were much fuller than was conveyed by one commanding naval officer. The only thing approaching a comment that could be secured on the despatch was that "it did not go far enough." It is noted that it is defective in saying that no shot was fired while Admiral Benham secured the American merchantmen to the wharf.

From the dimension of the Department officials, it is believed that some sort of engagement occurred in Rio harbor, yesterday, in which the United States war ships were involved.

It is admitted that Admiral Benham announced to the Department that he proposed to take action which he is expected to have taken. Secretary Herbert has said that the Admiral's general instructions give him ample authority to do what is necessary to protect the rights and interests of American citizens.

From the fact that, after announcing his intentions, he proceeded to act, it can be inferred either that he was instructed to proceed or that he was not ordered to desist.

The situation at Rio is evidently regarded in Government circles as of the utmost importance, and the action taken by Admiral Benham seems to be heartily commended by Department officials.

Secretary Herbert, after the Cabinet meeting, said that he had no news which could make public. When the information received by the Associated Press that there had been an engagement and that Da Gama had surrendered was given to the Secretary, he was much startled. He said that his despatch did not contain this information.

These sensational reports are not yet confirmed, but there seems to be no doubt that serious events are happening at Rio de Janeiro and that the American Admiral has taken energetic steps to protect American interests.

As this despatch is being sent a report reaches here that Admiral da Gama is a prisoner in the hands of President Peixoto.

## THE NEWS IN LONDON.

Some Belief that Da Gama Surrendered to Benham.

(By Associated Press)

LONDON, Jan. 30.—The Rothschild banking house has received a despatch from Rio de Janeiro saying that Admiral da Gama has surrendered.

Baron Rothschild says his cable message came to him from what he considered to be a most reliable source, and that he had no reason to doubt its accuracy.

Other despatches received here from Rio de Janeiro dated Jan. 30 say that at 10 o'clock this morning Admiral da Gama, having opened fire upon one of the American warships, a sharp engagement followed, with the result that Admiral da Gama has surrendered.

The Brazilian Minister here, upon being informed of the contents of the despatch received by the Rothschild banking house and of the contents of the other despatches said that he had no doubt that the news was true.

The Brazilian Minister added that Admiral da Gama now only had command of the Republic, and that the final collapse of the revolt is only a question of a few days.

Continuing, the Brazilian Minister said that the despatch received by the Rothschild banking house was beyond doubt the substance of the despatches received later, though the despatch received by the great financial house only said that Admiral da Gama had surrendered and did not mention that the United States war vessels had been engaged.

In conclusion, the Brazilian Minister said that from the source from which the news was received from Rio de Janeiro regarding the surrender of Admiral da Gama there cannot be the slightest question as to its truth, although no official confirmation has reached him.

A high official of the British Foreign Office, who was questioned by the Associated Press representative as to the accuracy of the despatches received from Rio de Janeiro and announcing the surrender of Admiral da Gama, expressed the opinion that it might be true that the rebel Admiral had surrendered to the United States Admiral, as it would be the easiest way out of a great difficulty.

But the official remarked he did not see what the United States Admiral would do with Admiral da Gama at the insurgents who surrendered with him.

Admiral Benham, he said, could not very well surrender the insurgents to President Peixoto, who would undoubtedly shoot them, and it was hardly probable that the United States Admiral would care to receive the rebels of a mass of Brazilian insurgents for an indefinite period.

Thus, if it were true that the insurgents had surrendered to the United

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States Admiral, the latter would seem to have a white elephant of the largest description on hand.

In conclusion, the Foreign Office official said that he could not believe that Admiral da Gama would be bold enough to deliberately fire upon the American ships; but Admiral Benham, of course, while protecting American shipping, was likely to come within the line of Admiral da Gama's fire.

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As the case is a test one, it is believed an appeal to the Supreme Court will be taken, in order that no doubt as to the legality of the purchase of the local retnience shall exist.

The principal questions raised in Judge Butler's opinion are these:

"First—Do the facts show a contract, combination or conspiracy to restrain trade and commerce, or a monopoly within the local signification of these terms?"

"Second—Do they show such a contract, combination or conspiracy to restrain trade and commerce or a monopoly within the several States or foreign nations?"

"Third—Can the relief sought be had in due process?"

Judge Butler said in part:

"In the view I entertain, the first and third questions need not be considered. The second must receive a negative answer and this will dispose of the controversy."

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Mr. Davis bowed himself out. Then came objections from certain proprietors that their representatives had not been invited to enter the executive session. Mr. Butler said his famous rule to the effect that no one should be admitted to the absence of invitation was still in force. Through Blaikie, he told the commissioners that he would be present to-morrow.

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## THE SUGAR TRUST WINS THEY HAVE A PLAN.

Judge Butler Decides the Philadelphia Case in Its Favor.

Appeal Probably to Be Taken to the Supreme Court.

(By Associated Press)

PHILADELPHIA, Jan. 30.—In the suit brought by the Government to test the legality of the Sugar Trust's absorption of the big Philadelphia refinery, Judge Butler to-day decided in favor of the trust.

The fact that another syndicate of capitalists is in the field anxious to build a rapid-transit railroad leads out to-day at the meeting of the Rapid Transit Commissioners. It also transpired that for several weeks representatives of the syndicate have been in consultation with the Commissioners, and that their plans are favored.

It looks now as if the Wilson plan would be dropped altogether. It seems that the Commissioners are about to appeal to the Legislature to amend the law so as to give the city a credit for over \$200,000.

While the Wilson offer is still held up before the public, the mineral oil companies are still in existence, and the national debt is more than the sum of John H. Davis & Co., bankers and brokers of Wall street, may have been put in evidence of the nature of the Wilson scheme.

It may also be that Mr. Wilson himself turned to the City Council to get a bill introduced to the Legislature to amend the law so as to give the city a credit for over \$200,000.

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